

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

JESUS YANEZ,

Plaintiff,

v.

DISH NETWORK, LLC, et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

EP-21-CV-00129-FM

FINAL JUDGMENT AND DISMISSAL

On this day the court considers the status of this cause. On June 2, 2021, this cause was stayed pending arbitration proceedings and transferred to the Western District of Texas.¹ Since then, this court has entered three separate show cause orders and all of them dealt with the same issue—the parties abdicating their duty to provide joint status updates on arbitration proceedings.² Given the parties failure to provide consistent joint status reports over the course of two years, the court gave notice to the parties in *no uncertain terms* “[f]ailure to timely meet court deadlines *will result* in the dismissal of this action for failure to prosecute. There will not be a fourth show cause order in this case.”³ Within that notice, the court made it clear that a joint status update *had* to be filed every ninety days from September 7, 2023, until stay is lifted.⁴

¹ See “Order” 1, ECF No. 30, entered June 2, 2021.

² See generally “Order to Show Cause” 1, ECF No. 32, entered Oct. 8, 2021; “Second Order to Show Cause” 1, ECF No. 35, filed Aug. 24, 2022; “Third Order to Show Cause” 1, ECF No. 37, entered June 2, 2023.

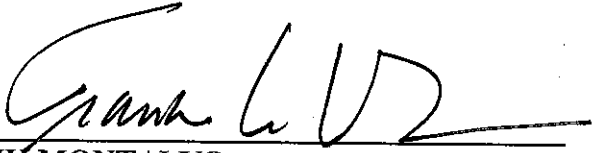
³ “Notice to the Parties” 1, ECF No. 39, entered June 22, 2023.

⁴ *Id.*

While the parties proceeded to file the September 7, 2023, status report and the necessary December 6, 2023, status report, they have now failed to meet the deadline again. The next status report was due on March 5, 2024, and the record reflects that no joint status report has been filed. Thus, the parties' leash of leniency has now run out. Utilizing a Federal District Court's inherent power to manage its own affairs, this cause is now dismissed without prejudice.⁵ Accordingly,

1. it is **HEREBY ORDERED** that this cause is **DISMISSED WITHOUT PREJUDICE**.
2. All pending motions, if any, are **DENIED AS MOOT**.
3. The Clerk of Court is **INSTRUCTED** to **CLOSE** this cause.

SIGNED AND ENTERED this 7 day of **March 2024**.


FRANK MONTALVO
SENIOR UNITED STATES DISTRICT JUDGE

⁵ See *Link v. Wabash R. Co.*, 370 U.S. 626, 630–31 (1962) (Deciding that Federal Rule of Civil Procedure 41(b) does not restrict a court's inherent authority to unilaterally dismiss a case for failure to prosecute. "The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.").